

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6370

BILL NUMBER: SB 139

NOTE PREPARED: Jan 17, 2008

BILL AMENDED:

SUBJECT: Violation of Probation.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill specifies that a court may impose one or more sanctions on a probationer who violates the conditions of probation or home detention during the probationary period.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: If offenders remain on probation for a longer period of time, courts may need more probation staff to supervise more offenders. Any effects of this bill would be at the court's discretion.

Under current law, when a court finds that a person who is on probation has violated a condition set by the court, the court can only impose one of the following sanctions:

1. Continue the person on probation with or without modifying or enlarging the conditions;
2. Extend the person's probationary period for not more than one year beyond the original probationary period; or
3. Order execution of all or part of the sentence that was suspended at the time of the initial hearing.

Under this bill, a court may impose one or more sanctions at the court's discretion.

As an example of the number of cases involved, the Division of State Court Administration reports that the number of persons who have had their probation revoked because they violated a condition of probation, committed a new crime, or absconded has increased 26% between 2002 and 2005.

Number of Persons Violating Probation, Committing a New Crime or Absconding by Calendar Year					
	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Change</u>
Felonies	8,229	9,115	10,460	11,501	40%
Misdemeanors	<u>13,967</u>	<u>16,952</u>	<u>16,759</u>	<u>16,437</u>	<u>18%</u>
Total	22,196	26,067	27,219	27,938	26%

Explanation of Local Revenues: Probation departments may be able to collect more probation user fees if offenders remain on probation for longer periods.

State Agencies Affected:

Local Agencies Affected: Trial courts

Information Sources: Indiana Probation Reports 2002- 2006

Fiscal Analyst: Mark Goodpaster, 317-232-9852.